

August 19, 2008

## **INDOT Business Rules for Team Responses to Requests for Proposals for Professional Services.**

(These rules apply only to engineering, architect and survey firms.)

- I. Definition of Joint Venture: For purposes of these business rules, a joint venture is a business undertaking by two or more companies engaged in a single defined project with an express agreement to share profits and losses and project control.
- II. Definition of Professional Services: Professional Services are services as defined in Ind. Code 8-23-2-12.5.

### **I. Submission of a Letter of Interest as a Joint Venture**

INDOT will allow Joint Ventures to submit a Letter of Interest (LOI) in response to a Request for Proposals (RFP) for Professional Services with the conditions listed below. These conditions do not apply to services outside the scope of IC 8-23-2-12.5.

#### **A. The proposed Joint Venture (JV) must:**

- register with INDOT no less than one week prior to submitting an LOI by supplying the following information:
  - explanation of how the JV serves the State of Indiana
  - a JV agreement signed by both the authorized signatory for the JV and the authorized signatories for all members
  - designated single point of contact
- consist only of members that are each prequalified with the State of Indiana
- not allow its members to compete individually as a lead firm with the JV on the same RFP Item
- submit a statement signed by all members of the JV committing to comply with the following requirements within a maximum of sixty days of selection, or such time period as may be approved by INDOT:
  - establish a tax ID in the name of the JV
  - receive a State of Indiana Business Registration Number (BRN) in the name of the JV
  - establish a bank account in the name of the JV
  - carry liability insurance in the name of the JV and each member
  - demonstrate that the JV has made all necessary filings in its own name to do business with the State of Indiana
  - verify that the JV is an entity capable of holding property

- verify that the JV is an entity capable of contracting with the State of Indiana
  - verify that the JV and each member are entities capable of being sued in its own name
- B. INDOT, as part of its qualification–based selection process, will consider the JV’s score for past performance to be the average of the scores of each member with existing data
- C. Should a JV be identified as one of the top-ranked respondents, INDOT will:
- evaluate and combine the capacities of each member firm to determine if the JV has adequate capacity to be selected
  - evaluate the accumulated DEF factor adjustment of each member and apply the highest member’s adjustment amount to the JV team scores
- D. Should INDOT select the JV for contract negotiations:
- the JV and each member must be a party to and sign the INDOT consultant agreement and the subconsultant acknowledgment form.
  - INDOT will assign a negative 5 point DEF adjustment to each member firm to be applied toward future contracting opportunities with INDOT
- E. To the extent permitted by IC 8-23-2-12.5, each member of the JV shall assume liability for, or indemnify the State of Indiana for any and all damages incurred as a result of the fault of each member.

## **II. Submission of an LOI by a Lead Consultant with other firms as subconsultants**

Lead Consultants may submit an LOI identifying other firms as its subconsultants with the conditions listed below.

### **A. The LOI must:**

- designate a Project Manager who is employed by the Lead Consultant and holds a current Indiana license as may be required
- confirm that the Lead Consultant performs the largest share of work, regardless of the number of sub-consultants
- confirm that the Lead Consultant and all sub-consultants are each pre-qualified with INDOT, if applicable
- To the extent permitted by IC 8-23-2-12, the Lead Consultant and each subconsultant shall assume liability for, or indemnify the State of Indiana for any and all damages incurred as a result of the fault of each member.

B. INDOT will evaluate the capacity and past performance of the Lead Consultant and may evaluate the capacity and/or the past performance of each subconsultant.

C. Should INDOT select the firm for contract negotiations, the Lead Consultant must agree to the following conditions:

- INDOT will manage the project only through the Lead Consultant.
- The Lead Consultant is responsible for the work of all sub-consultants on the project
- INDOT will evaluate the Lead Consultant during and after the performance of the contract based upon work quality and project management
- INDOT will evaluate each sub-consultant during and after the performance of the contract based upon work quality